

**SUBMISSION OF REPLACEMENT FORMAL DRAWINGS**

Submitted herewith is a replacement drawing sheet for Figure 7 in order to amend the text of box 707 to agree with the specification. Specifically, the text of box 707 has been amended from "USAGE RIGHT DB UPDATING UNIT" to --LICENSE DATA DB UPDATING UNIT--.

Approval and entry of this replacement drawing sheet is respectfully requested.

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 1-25 were pending in this application. Claims 1, 2 and 4-25 are amended herein and claim 3 is canceled herein. Thus, claims 1, 2 and 4-25 are currently pending in this application. No new matter has been added.

The specification and abstract have been carefully reviewed and revised to make grammatical and idiomatic improvements in order to aid the Examiner in further consideration of the application. A substitute specification and abstract including the revisions have been prepared and are submitted herewith. No new matter has been added. Also submitted herewith are marked-up copies of the substitute specification and abstract indicating the changes incorporated therein.

During the review of the specification and drawings, the Applicants discovered that the text of box 707, shown in Figure 7, was incorrect. Specifically, the text read “USAGE RIGHT DB UPDATING UNIT”, but should have read --LICENSE DATA DB UPDATING UNIT-- to agree with the specification. Consequently, submitted herewith is a replacement drawing sheet for Figure 7 that has been amended to correct the text of box 707. No new matter has been added.

Claims 24 and 25 have been rejected under 35 U.S.C. § 101 on the basis that claiming a “program for...” is a software claim per se and does not define any structural and functional interrelationships between the computer software and the hardware components which permit the program functionality. Claims 24 and 25 have been amended to recite statutory subject matter under 35 U.S.C. § 101.

Accordingly, for at least the reasons set forth above, the Applicants respectfully request that the 35 U.S.C. § 101 rejections of claims 24 and 25 be withdrawn.

Claims 1, 20 and 21 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 23 and 24, respectively, of co-pending Application No. 10/755,309. Specifically, in the double patenting rejection, the Examiner asserted that “the use condition update unit” recited in claim 1 of co-pending Application No. 10/755,309 corresponds to the “update information notifying unit”, the “usage right information storage unit”, the “using unit”,

and the “update requesting unit” as recited in claim 1 of the present application. Moreover, the Examiner asserted that the “use condition update step of updating” as recited in claim 23 of co-pending Application No. 10/755,309 corresponds to the “update information notifying unit” and the “update data transmitting unit” as recited in claim 20 of the present application. Furthermore, the Examiner asserted that “the content use management method comprising a use condition generation step” (as recited in claim 24 of co-pending Application No. 10/755,309) corresponds to the “using unit” and the “update requesting unit” as recited in claim 21 of the present application.

The above-mentioned rejection is submitted to be inapplicable to amended claims 1, 20 and 21 for the following reasons.

Claim 1 of the present application has been amended so that the “update information notifying unit” and the “update requesting unit,” as recited therein, clearly do not correspond to the “use condition update unit” recited in claim 1 of co-pending Application No. 10/755,309. Specifically, as amended, claim 1 of the present application requires an update information notifying unit operable to notify a user terminal of update information for identifying a timing at which the user terminal is to access a right management server and request updating of usage right information issued to the user terminal. Moreover, present claim 1 has been amended to recite an update requesting unit operable to identify the timing in accordance with the update information, regardless of a usage rule indicated by the usage right information, and to request, at the timing, that the right management server update the usage right information.

In contrast to amended claim 1 of the present application, the “use condition update unit” as recited in claim 1 of co-pending Application No. 10/755,309 updates a use condition in association with a use when a content is used by a content use unit. Thus, the differences are such that amended claim 1 of the present application would not have been obvious in view of claim 1 of co-pending Application No. 10/755,309.

Claim 20 of the present application has been amended so that the “update information notifying unit” as recited therein, clearly does not correspond to the “use condition update step of updating” recited in claim 23 of co-pending Application No. 10/755,309. Specifically, as amended, claim 20 of the present application requires an update information notifying unit operable to notify a user terminal of update information

for identifying a timing at which the user terminal is to access a right management server and request updating of usage right information issued to the user terminal.

In contrast to present amended claim 20, the “use condition update step of updating” as recited in claim 23 of co-pending Application No. 10/755,309 updates use conditions in association with a use when a content is used. Thus, the differences are such that amended claim 20 of the present application would not have been obvious in view of claim 23 of co-pending Application No. 10/755,309.

Claim 21 of the present application has been amended so that the “update requesting unit” as recited therein, clearly does not correspond to the “content use management method comprising a use condition generation step” recited in claim 24 of co-pending Application No. 10/755,309. Specifically, as amended, present claim 21 requires an update requesting unit operable to identify a timing at which to request updating of usage right information, in accordance with update information notified by a right management server, regardless of a usage rule indicated by the usage right information, and to request, at the timing, that the right management server update the usage right information.

In contrast to present amended claim 21, the “content use management method comprising a use condition generation step” as recited in claim 24 of co-pending Application No. 10/755,309 generates use condition information which indicates use conditions for content by associating the use condition information respectively with a plurality of different rights management methods of managing rights for using the content. Thus, the differences are such that amended claim 21 of the present application would not have been obvious in view of claim 24 of co-pending Application No. 10/755,309.

Accordingly, for at least the reasons set forth above, the Applicants respectfully submit that the double patenting rejection is inapplicable to claims 1, 20 and 21 as amended, and respectfully request that the double patenting rejections of amended claims 1, 20 and 21 be withdrawn.

Claims 1-25 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kawamoto et al. (U.S. Patent Application Publication No. 2005/0060334) (hereinafter referred to as “Kawamoto”).

Independent claims 1 and 21-23 have been amended to further distinguish the present invention, as recited therein, from the reference cited by the Examiner. The above-mentioned rejection is submitted to be inapplicable to amended claim 1 for the following reasons.

Claim 1 recites a digital content distribution system including, in part, a right management server that includes an update information notifying unit operable to notify a user terminal of update information for identifying a timing at which the user terminal is to access the right management server and request updating of usage right information issued to the user terminal. Moreover, the digital content distribution system of claim 1 includes an update requesting unit operable to identify the timing in accordance with the update information, regardless of the usage rule indicated by the usage right information, and to request, at the timing, the right management server to update the usage right information stored in the usage right information storing unit.

Kawamoto discloses that when a usage right has expired, a content using module 52 (of a client 1) requests a DRM module 51 (also of client 1) to update the usage right, and the DRM module 51 executes a usage right updating process according to the request. During the usage right updating process, the DRM module 51 retrieves usage-right designation information of a usage right to be updated, and sends a user ID, a password, and usage-right designation information of the usage right to be updated to a license server 4. (Para. 0115 to 0117).

In response, the license server 4 provides usage conditions. The DRM module 51 receives the usage conditions provided by the license server 4, and outputs them to an output unit 27 (also of client 1) for display. The user operates an input unit 26 to select a certain usage condition from, or add a new usage condition to, the usage conditions. The DRM module 51 also sends an application for purchase of the selected usage condition (the condition for updating the usage right) to the license server 4. According to this application, the license server 4 sends final usage conditions. Moreover, the DRM module 51 obtains the usage conditions from the license server 4 and updates the usage conditions of the corresponding usage right stored in the storage unit 28 to the usage conditions. (Para. 0118).

In contrast to the present invention, Kawamoto does not disclose the license server 4 notifying the client 1 of an update of the usage rights, and the client 1 responding to the notification from the license server 4. Instead, Kawamoto discloses that when it is determined that a usage right has expired, a content using module 52 (of client 1) requests a DRM module 51 (also of client 1) to update the usage right, and the DRM module 51 executes a usage right updating process by sending information to server 4. Moreover, there is no suggestion or disclosure to modify the client 1 or the server 4 such that the server 4 notifies the client 1 of update information for identifying a timing at which the client 1 is to access the server 4 and request updating of usage rights.

In other words, Kawamoto does not disclose a digital content distribution system including a right management server that includes an update information notifying unit operable to notify a user terminal of update information for identifying a timing at which the user terminal is to access the right management server and request updating of usage right information issued to the user terminal, and a user terminal that includes an update requesting unit operable to identify the timing in accordance with the update information, regardless of the usage rule indicated by the usage right information, and to request, at the timing, the right management server to update the usage right information stored in a usage right information storing unit, as recited in claim 1.

For at least the reasons discussed above, it is believed clear that Kawamoto fails to disclose or suggest the present invention as recited in claim 1.

Claims 20 and 22 are patentable over Kawamoto for reasons similar to those set forth above in support of claim 1. That is, claims 20 and 22 similarly recite an update information notifying unit operable to notify a user terminal of update information for identifying a timing at which a user terminal is to access a right management server and request updating of the usage right information issued to the user terminal.

Claims 21 and 23 are patentable over Kawamoto for reasons similar to those set forth above in support of claim 1. That is, claims 21 and 23 similarly recite an update requesting unit operable to identify a timing at which to request updating of usage right information, in accordance with update information notified by a right management server, regardless of a usage rule indicated by the usage right information.

and to request, at the timing, the right management server to update usage right information stored in a usage right information storing unit.

Because of the above-mentioned distinctions, it is believed clear that claims 1, and 20-23 are patentable over the reference relied upon in the rejection. Therefore, it is respectfully submitted that claim 1 and claims 2 and 4-19 depending therefrom, claims 20, 21, claim 22 and claim 24 depending therefrom, and claim 23 and claim 25 depending therefrom, are clearly allowable over the prior art of record.

In view of the foregoing amendments and remarks, all of the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action are respectfully solicited.

Should the Examiner believe there are any remaining issues that must be resolved before this application can be passed to issue, it is respectfully requested that the Examiner contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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